

REMARKS/ARGUMENTS

Preliminary Amendment

Claims 1-4 have been amended to correct informalities in the claims. Consideration of the above-identified application in view of the above amendments is respectfully requested.

Restriction Requirement

In the Restriction Requirement dated October 4, 2004, the Examiner restricted the application into:

Group I, including claims 1-3; and

Group II, including claims 4-12.

In response, Applicants hereby elect Group II, including claims 4-12, for examination at this time, and respectfully traverse the Restriction Requirement for the reasons stated below.

**Restriction Can Be Proper In Limited Circumstances.**

An application may properly be restricted to one of two or more claimed inventions if they are able to support separate patents and they are either *independent* or *distinct*. If a search and examination of an entire application can be made *without serious burden*, the Examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP 803. In referring to practice under 35 U.S.C. 121, the MPEP notes "it becomes very important that the practice under this section be carefully administered," and goes on to state "IT STILL REMAINS IMPORTANT FROM THE STANDPOINT OF THE PUBLIC INTEREST THAT NO REQUIREMENTS BE MADE WHICH MIGHT RESULT IN THE ISSUANCE OF TWO PATENTS FOR THE SAME INVENTION." MPEP 803.01 (Emphasis in original). The concern is that the public should be able to rely on the assumption that upon expiration, the public will be free to use not only the invention claimed in the patent, but also modifications and variants thereof. MPEP 804.

### **Claims Are Not Independent**

The term “*independent*” means that there is no disclosed relationship between the two or more subjects disclosed, that is they are unconnected in design, operation, or effect. MPEP 802.01. Each of the claims is generally directed to a device for detection of straight line segments. Thus, the claims are not independent.

### **Species I and II Are Not Distinct**

The term “distinct” means that two or more subjects as disclosed are related, but are capable of separate manufacture, use, sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER (though they may each be unpatentable because of the prior art). MPEP 802.01 (Emphasis in original).

The Examiner contends that the subject matter of Groups I and II are related as subcombinations usable together in a single combination. In particular, the Examiner states that the invention of Group I “has separate utility such as a memory management system to perform tests intended for the any [sic] processing of any type of digital data.” However, the preamble of claim 1 expressly recites that the device is for the detection of straight-line segments in a stream of digital data which are supplied at a pixel frequency and which are representative of an image. Thus, the device of claim 1 does *not* have separate utility such as a memory management system to perform tests intended for the processing of any type of digital data.

### **Claim 4 Is A Generic Claim**

In general, a generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species. MPEP 806.04(d). For the purpose of obtaining claims to more than one species in the same case, the generic claim cannot include limitations not present in each of the added species claims. Otherwise stated, the claims to the species which can be included in a case in addition to a single species must contain all the limitations of the generic claim. Once a claim that is determined to be generic is allowed, all of the claims drawn to species in addition to the elected species which include all the limitations of the generic claim will ordinarily be obviously

allowable in view of the allowance of the generic claims, since the additional species will depend thereon or otherwise include all of the limitations thereof. MPEP 806.04(d).

Claim 4 generally recites: 1) a storage module; 2) a calculation module; and 3) a sequencer. Claim 1 also generally recites: 1) means for storing the stream of digital data; 2) a calculation module; 3) a sequencer; and claim 1 additionally recites 4) a buffer circuit and 5) a management module.

Thus, claim 4 is generic with respect to claim 1 and Restriction between claims 1 and 4 is therefore not proper. MPEP 806.04(d).

**The Examiner Has Not Met His Initial Burden.**

It is further noted that the burden is on the Examiner to provide *reasonable* examples that recite *material differences*. MPEP 806.05(e).

As discussed above, the Examiner has suggested that the invention of Group I “has separate utility such as a memory management system to perform tests intended for the any [sic] processing of any type of digital data.” Also as discussed above, claim 1 is directed to the detection of straight-line segments in a stream of digital data which are supplied at a pixel frequency and which are representative of an image. Thus, the device of claim 1 does *not* have separate utility such as a memory management system to perform tests intended for the processing of any type of digital data.

**The Claims Are So Related As To Present No Serious Burden To The Examiner.**

The Examiner contends that claims 1-3 (Group I) are directed to a device for memory management classified in Class 382, subclass 303, while claims 4-12 (Group II) are directed to detection of straight line segments and thus classified in Class 382, subclass 201. Class 382 covers image analysis. The Examiner appears to rely on the purported separate classification of the claims as support for contending that searching the entire application would present a serious burden. Applicants respectfully traverse such contention.

Class 382, subclass 303 encompasses pipeline processing, the description of the subclass stating that the subclass includes “subject matter wherein several layers of

transformations are combined such that a first layer of transforms are applied to an initial representation of an image, second layer of transforms is applied to the output of the first layer, and so on. It is unclear why the Examiner has classified claims 1-3 into this particular subclass since *none* of claims 1-3 appear to recite the application of transformations to image representations.

Class 382, subclass 201 encompasses point features (*e.g.*, spatial coordinate descriptors). The description of the subclass states that the subclass includes any of the following: “an image is sampled at only a few key locations to determine whether essential points in a pattern are present at those locations; every measurement on the image results in a set of values representing spatial coordinates only; or each of the features sought within a pattern can be defined by a specific point.” It appears that all of the pending claims (claims 1-12) should be appropriately classed in Class 382, subclass 201. Applicants do not understand how claims 1-3 can be classified separately from claims 4-12. Consequently Applicants’ respectfully request that the Examiner explain the reason for classifying claims 1-3 into subclass 303, separately from claims 4-12 and subclass 201.

Further, Applicant’s Attorney is unable to discern how searching the entire application would present a *serious burden* to the Examiner. By entering the Restriction Requirement, the Examiner is contending that while searching class 382, subclass 303, he would not search class 382, subclass 201, that covers point features. This contention leaves the Applicant wondering whether acquiescing in the restriction requirement would result in an inadequate search of the art. By entering the Restriction Requirement, the Examiner is admitting that class 382, subclass 303, is *not* a legitimate area of search for claims 4-12, and consequently should be estopped from later applying art classified in subclass 303 against claims 4-12.

#### Summary

In making the above arguments, the Applicant does not admit that the any of the independent claims are obvious in light of one another. The Applicant further does not admit that such classes are appropriate for search, should the Examiner persist in the restriction

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requirement. In light of the foregoing remarks, the Applicant respectfully requests that the Restriction Requirement be withdrawn and all pending claims examined.

Respectfully submitted,  
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A handwritten signature in black ink, appearing to read 'Frank Abramonte', written over a horizontal line.

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